



**FOR HOME  
DELIVERY  
CLICK HERE**

**One Black Press of America**



MINNESOTA

**Spokesman-Recorder**

AS IT WAS SPOKEN . . .

LET US RECORD .

BLACK PRESS  
USA  
network

**HOME**

**NEWS**

[national](#)

► [local](#)

[voters info](#)

[metro](#)

[employment](#)

[business](#)

[releases](#)

[links](#)

**OP-ED**

**LIFESTYLE**

**SPORTS**

**HISTORY**

**CLASSIFIEDS**

**OBITUARIES**

**FAMILY**

**CALENDAR**

**ABOUT US**

**REGISTRATION**

**NETWORK SITES**

**OFFICIAL SITE**



**SPONSOR**



**CO-SPONSOR**



**BUILT BY**

## LOCAL NEWS

### Voting Rights Act not in jeopardy

By: Isaac Peterson, III

*Minnesota Spokesman-Recorder*

Originally posted 5/5/2004

*However, a key provision of the act does require renewal in 2007*

Our readers may have received the following email or heard someone express a similar view:

"The Voters Rights Act signed in 1965 by Lyndon B. Johnson was just an ACT. It was not made a law. In 1982 Ronald Reagan amended the Voters Rights Act for only another 25 years. Which means that in the year 2007 [African Americans] could lose the right to vote! Does anyone realize that Blacks/African Americans are the only group of people who require PERMISSION under the United States Constitution to vote?! In the year 2007 Congress will once again convene to decide whether or not Blacks should retain the right to vote (crazy, but true). In order for this to be passed, 38 states will have to approve an extension."

If this is true, it is a very frightening and serious issue, one that should mobilize all people of color. With the disenfranchising of voters of color in the presidential election of 2000, questionable redistricting schemes in several states, and other threats to voting, it is indeed prudent to be vigilant for any additional threats.

Is it true? Could the Voting Rights Act disappear through inaction? The answer seems to be both yes and no.

Taking the last point first, the ratification of 38 states is a requirement for adding amendments to the Constitution, and the Voting Rights Act is not an amendment. Therefore, no such ratification of the Voting Rights Act is required.

Before examining the part of the message that is correct, a brief examination of two amendments that are already in place should perhaps be part of the discussion.

The Fourteenth and Fifteenth Amendments to the United States Constitution have already guaranteed the right of all citizens to vote:

Amendment XIV

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

And more specifically,

Amendment XV

► **SEARCH**

**Click here for an  
Advanced Search**

**Contact Us:**

**NNPA**  
FOUNDATION



"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation."

Granted, several states were not complying with either the spirit or the letter of these two amendments to the U.S. Constitution, and this was the reason the Voting Rights Act of 1965 was felt to be necessary.

Terror and violence such as the murders of voting rights activists in Philadelphia and Mississippi and the attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, sent a clear signal that something more was needed, as if the point had not been evident from the preceding decades.

The Voting Rights Act of 1965 was the result.

Section 5 of the Voting Rights Act appears to be the cause of the concern raised by the email. It is Section 5 that will be phased out, if not renewed in 2007.

Section 5 allows jurisdictions to change voting practices, but they must first obtain "preclearance" by the federal government. According to the U.S. Department of Justice Civil Rights Division website, "Preclearance requires proof that the proposed voting change does not deny or abridge the right to vote on account of race, color, or membership in a language minority group..."

Also according to the Department of Justice, "Congress extended Section 5 for five years in 1970 and for seven years in 1975. With these extensions Congress validated the Supreme Court's broad interpretation of the scope of Section 5 preclearance."

And, "Congress decided in 1982 that Section 5 should be renewed for twenty-five years."

Section 5 may indeed not be renewed in 2007, but the remainder of the Act will be intact. However, many consider it crucial that Section 5 not only be renewed, but also made part of permanent law.

According to Minnesota State Representative and attorney Keith Ellison, if no action is taken on Section 5, "What would happen is you would probably have a greater amount of attempts to dilute minority votes and suppress minority voting, and you would be able to frustrate minority votes more effectively."

We asked several members of the Minnesota Congressional delegation whether they would support Section 5 if they were still in the U.S. Legislature in 2007.

Democratic Representative Martin Sabo said, "I support making Section 5 permanent, along with the strict enforcement of all protections of the Voting Rights Act. A healthy democracy depends upon eliminating — not raising — barriers to voting. The Voting Rights Act is our nation's fundamental statement that voting is a right of all Americans, regardless of race or skin color."

Democratic Representative Betty McCollum responded in part, "The Voting Rights Act is one of the most important civil rights laws passed by Congress and it has my full support..."

However, "Making 'preclearance' permanent may be premature," said McCollum. "This provision hasn't been fully examined and analyzed carefully to reflect the current status of our laws, court decisions, enforcement actions and society. In addition, the Supreme Court has made clear in recent years

that it will require Congress to establish a detailed record, through hearings and legislative findings, in order to ensure that the 'preclearance' provision (section 5) can survive Constitutional scrutiny.

McCollum continued, "The right to vote is still challenged in too many places in our country. People of color face purged polling lists and other hurdles when they go to cast their ballot. Many people for whom English is a second language continue to face obstacles when participating in the political process. The 2000 presidential election in Florida is a terrible example of our democracy not serving the needs of all Americans. Even in Minnesota, minorities, low-income communities, and new Americans are encountering obstacles when exercising their right to register to vote as a result of recent policy changes by Minnesota's Secretary of State.

"The Voting Rights Act is still needed to remove direct and indirect barriers to voting and overcome the disenfranchisement that still exists today," McCollum said.

And from Democratic Senator Mark Dayton: "Section 5 definitely needs to be updated and improved. We do not want to do this during a political year, and definitely not during this administration and this Congress.

"We would like...to have the NAACP serve as the expert on this issue in that we know they have been spending a significant amount of time trying to inform Americans about this situation — specifically trying to quash rumors that when/if this section expires certain populations will have their voting rights revoked. This is not the case," Dayton said.

We were unable to obtain comments from Republican U.S. Senator Norm Coleman or Republican Representatives Gil Gutknecht and Jim Ramstad.

Editor's Note: Department of Justice website quotes are from [www.usdoj.gov/crt/voting/intro/intro\\_b.htm](http://www.usdoj.gov/crt/voting/intro/intro_b.htm) and [www.usdoj.gov/crt/](http://www.usdoj.gov/crt/)

[voting/sec\\_5/about.htm](http://www.usdoj.gov/crt/voting/sec_5/about.htm).

Isaac Peterson welcomes reader responses to [ipeterson@spokesman-recorder.com](mailto:ipeterson@spokesman-recorder.com).

**[Back to Previous Page](#)**



**[Email This Story to a Friend](#)**

**FOR HOME  
DELIVERY  
CLICK HERE**

**A bi-weekly guide to helping  
you win the Home Ownership Game**



**Copyright 2004 All Rights Reserved :: Legal and Privacy Policy**